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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,500	04/12/2004	Stephen McMorris Bell	MSFT-2932/306013.01	3046
23377	7590	10/04/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			LA, ANH V	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,500

Applicant(s)

BELL ET AL.

Examiner

Anh V. La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/04</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-13, 16-23, 25-28, 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Xydis.

Regarding claim 1, Xydis discloses a system for determining presence and providing control comprising a radio frequency identification (RFID) tag 22, a detector 20, 24 comprising an antenna, an RF interrogator, and an RF controller the detector adapted to transmit interrogation signals to the tag, to receive and decode presence signals from the tag, and to generate instruction signals, and a central controller 12 remote from the detector and adapted to receive the instruction signals and control at least one associated device in accordance with the instruction signals (column 2, line 20- col. 3, line 25).

Regarding claim 18, Xydis discloses a method for determining presence and providing control comprising receiving a presence signal from at least one radio frequency identification (RFID) tag 22, generating an output signal, providing the output signal to a remote central controller 12, and controlling at least one device via the remote central controller based on the output signal (column 2, line 20- col. 3, line 25).

Regarding claim 3, Xydis discloses a computer 12 comprising the central controller.

Regarding claim 5, Xydis discloses the central controller determining control signals based on the received instruction signals and controls the at least one device in accordance with the control signals (col. 2, line 20- col. 3, line 35).

Regarding claims 6, 22, Xydis discloses rules associated with the tag (col. 2, line 20- col. 3, line 25).

Regarding claims 7, 23, Xydis discloses the detector determining the range of the tag and transmitting the range to the central controller and the controller controlling the device based on the range (figures 3-5).

Regarding claims 8, 27, Xydis discloses the controller deactivating the device if the range is beyond a threshold (fig. 3-5).

Regarding claims 9, 28, Xydis discloses the controller maintaining the current operating status of the device if the range is less than a threshold (fig. 3-5).

Regarding claims 10, 25, Xydis discloses the controller changing the operating mode of the device as the range changes (fig. 3-5).

Regarding claims 11, 26, Xydis discloses the controller preventing accessing to the device if the range is beyond a threshold (fig. 3-5).

Regarding claims 12, 30, Xydis discloses login information, when the range is less than a threshold and the current operating status of the device is off or if the device is locked (fig. 3-5).

Regarding claim 13, Xydis discloses the controller maintaining the operating mode of the device based on the detection of the tag (fig. 3-5).

Regarding claims 16, 31, Xydis discloses the device comprising at least one of a telephone, fax machine, and photocopier (col. 4, lines 50-55).

Regarding claim 17, Xydis discloses a plurality of RFID tags.

Regarding claim 19, Xydis discloses transmitting an interrogating signal at predetermined intervals (col. 2, line 25- col. 3, line 35).

Regarding claim 20, Xydis discloses different signals with different one of a plurality of RFID tags 22.

Regarding claim 21, Xydis discloses decoding the presence signal prior and generating the output signal based on the decoded presence signal (col. 2, line 25- col. 3, lines 35).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis.

Regarding claim 4, Lopes discloses all the claimed subject matter as set forth above in the rejection of claim 3, but does not disclose a keyboard comprising a detector. Xydis teaches detector 22 being internal or external to computer 12 (column 2, lines 30-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the detector in a keyboard to the system

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of Xydis as taught by Lopes as desired for the purpose of effectively determining the presence of a user.

5. Claims 2 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of Lopes.

Regarding claims 2 and 29, Lopes discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a card. Lopes teaches the use of a card 100. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a card to the system of Xydis as taught by Lopes for the purpose of effectively determining the presence of a user.

6. Claims 14-15, 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Xydis in view of Hinde.

Regarding claims 14-15, 24, Lopes discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose a sonar. Hinde teaches the use of a sonar (col. 1, lines 55-67). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a sonar to the system of Xydis as taught by Hinde for the purpose of effectively determining the range of the tag.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klein teaches a method for automatically initiating a computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970.

The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA**  
**PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 19, 2005